IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12661 of 2006

DATED: 23-06-2006

Between:

V.Durga Prasada Rao petitioner

And

The Regional manager, APSRTC,
Krishna Region, Vijayawada, Krishna district and another
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.12661 of 2006

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondents in not paying the gratuity amount to the petitioner for the period from 22.5.1981 to 12.2.1989. i.e., from the date of removal to the date of reinstatement as illegal and arbitrary, the present writ petition is filed.

The petitioner was appointed as Conductor in the respondent corporation on 5.3.1971 and subsequently promoted as Dy.Superintendent and retired from service on 31.1.2006. While working as Conductor, the petitioner was removed from service on 22.5.1981 on the charge of cash and ticket irregularities, which was assailed by the petitioner in I.D. No. 351 of 1987. The Labour Court by order dated 23.08.1988 ordered for reinstatement of the petitioner into service without backwages but with continuity of service. Pursuant to this order, the petitioner was reinstated into service on 12.2.1989 and continued till retirement. The grievance of the petitioner is that the respondent Corporation has not paid him gratuity for the period from 22.5.1981 to 12.2.1989 i.e., from the date of removal to the date of reinstatement.

The learned counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by decision of this

Court in **M.Rama Rao Vs.Asst.Traffic Manager, APSRTC, Hyderabad and another**[1] wherein this Court held that in a case where under Section 11 of the Industrial Disputes Act, 1947, the Labour Court has set aside the order of removal of an employee and directed that the employee be reinstated into service with continuity of service, the management could not deny the payment of gratuity to the employee on his retirement for the period during which he was out of employment as a result of the illegal order of removal.

Heard learned counsel for petitioner and learned Standing Counsel for respondent.

The issue raised in the present writ petition is squarely covered by the decision of this Court in M.Rama Rao case. Therefore, following the ratio laid down in M.Rama Rao case, the present writ petition is allowed for the same and similar reasons. No orders as to costs.

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N.V.RAMANA,J

DATE: 23.06.2006

TVK

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[1] 1998 (3) ALD 76